

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRIC KILKENNY,

Plaintiff,

-v-

CUSHNER & GARVEY LAW OFFICE,

Defendant.

Case No. 08-CV-1690 (KMK)

ORDER TO SHOW CAUSE

KENNETH M. KARAS, District Judge:

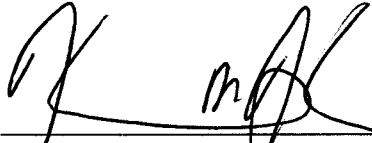
This case was initially brought in the Tarrytown Village Justice Court by Plaintiff Patric Kilkenny. Plaintiff, who is pro se, asserts against Defendant Cushner & Garvey Law Office a claim of "unpaid wages" and seeks judgment of \$3000.00, the maximum jurisdictional amount for the Justice Court. Defendant removed the case to this Court on February 20, 2008, asserting federal question jurisdiction. (Def.'s Notice of Removal ¶ 4.)

On review of the pleadings, the Court now raises on its own motion the question of whether it has subject matter jurisdiction over this case. Under the well-pleaded complaint rule, it must be clear from the face of a plaintiff's complaint that there is a federal question. *See Franchise Tax Bd. of Cal. v. Constr. Laborers Vacation Trust for S. California*, 463 U.S. 1, 9-10 (1983); *Louisville & Nashville R.R. v. Mottley*, 211 U.S. 149, 152 (1908). Defendant's Notice of Removal fails to state a basis for why the Complaint for "unpaid wages" implicates federal question jurisdiction under 28 U.S.C. § 1331.

Defendant is, therefore, ORDERED TO SHOW CAUSE, by no later than March 11, 2008, why the Court should not remand this case to Tarrytown Village Justice Court for lack of subject matter jurisdiction.

SO ORDERED.

Dated: February 26, 2008
White Plains, New York


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE

Copies mailed / handed / faxed to counsel 2 / 26 / 08